

Appeal Decisions Received between 01/01/09 to 31/01/09

| Reference Number | Parish | Proposal Description and Location | Appeal Decision | Comments |
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| 34/0891/08/F | Marldon | (A) Extension to dwelling & conversion of roof space to living accommodation – 9 Marldon Cross Hill, Marldon, Paignton | Appeal A Dismissed | The Inspector concluded that the proposed development would seriously harm the living conditions of adjoining occupiers at 4 West View Road, with particular reference to privacy. |
| 34/0289/08/F | Marldon | (B) Resubmission of planning application 34/2697/07/F for extension to dwelling and loft conversion – 9 Marldon Cross, Marldon, Paignton | Appeal B Allowed (Condition 5 deleted & Substituted) | The appellants only disputed the requirements of condition 5 stating that a bedroom window in the permitted dormer window should be obscure glazed. The shower room window in the dormer window extension and a rooflight would remain obscure glazed. The Inspector concluded that the bedroom window would not look out directly at the rear elevation of 4 West View Road and would not be as oppressive as would be the case with the windows proposed in the Appeal A scheme. By allowing the bedroom window to be clear glazed would not significantly adversely affect the living conditions of adjoining occupiers. |
| 37/0503/08/F | Newton & Noss | Demolition of existing dwelling and erection of replacement dwelling and garage – The Green House, Bridgend, Newton Ferrers, Plymouth PL8 1AW | ALLOWED | The appeal against refusal of planning permission for the erection of a contemporary designed dwelling, on the grounds of harm to the setting, character and appearance of the area and AONB landscape, was allowed. The Inspector noted that the dwelling would be smaller in scale than the adjacent property and that the materials proposed were integral to the architecture of the dwelling and positively contribute to its proportions and the balance of the overall composition of the design. He considered that the proposed house would be a contemporary building of significant architectural interest and vitality, skilfully utilising the levels and character of this key site within the developed area. He concluded that the scale would not be disproportionate or its design detrimental to the natural beauty of the AONB. |
| 59/1075/08/F | West Alvington | Re-Submission of 59/2252/07/F for extension and alterations to | ALLOWED | The appeal against the refusal of planning permission for an upper floor extension, on grounds of harm to the outlook and loss of natural |

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| | | dwelling – West Haven, Tacketwood, Kingsbridge, TQ7 3AY | | light from a neighbour's bedroom window and harm to AONB character, was allowed. In allowing the appeal the Inspector considered that there would be some outlook remaining from the affected neighbouring window, but moreover he considered that the outlook from the bedroom in question was a private rather than public interest. He accepted that the Local Plan Planning Principles included effect on neighbouring properties but failed to distinguish between private and public interests. He did not consider there to be any harm to the AONB. |
| 43/0939/08/F | Frogmore & Sherford | Retrospective application for the replacement of windows to rear of dwelling – Pool Meadow, Frogmore, Kingsbridge TQ7 2NU | ALLOWED | The Inspector concluded that the replacement windows have no significant effect on the character and appearance of the existing dwelling or on the surrounding area within the AONB. |
| 35/0028/08/F | Modbury | Resubmission of application 35/1040/07 - Conversion of detached garage into a dwelling – detached garage at rear of 5A Church Street, Modbury, PL21 0QW | DISMISSED | <p>The Inspector considered that there were two main issues relating to (1) whether the development would be capable of providing adequate living conditions for future occupiers and (2) the effect it would have on highway safety.</p> <p>On suitability of the use, she noted that parking space would be shared with occupiers of the existing dwelling, that vehicles would have to be parked adjacent to the ground floor bedroom window with consequential noise and disturbance for occupiers and that there would be no satisfactory provision for outdoor living space and, due to three enclosing walls, there would only be limited sunlight. As a consequence she concluded that the proposal would constitute an unacceptable form of development.</p> <p>In respect of highway safety, she concluded that whilst the total number of parking spaces would not change, the intensification of residential use would increase the number of vehicle movements to and from the site. In addition she found that due to the restricted dimensions of the parking areas the number of vehicles entering or leaving the site in reverse gear would increase which would be to the detriment of road users. As a result she concluded that the</p> |

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| | | | | proposal would conflict with established planning policy and that the conditions were sufficient to justify the appeal being dismissed. |
| 58/2449/07/F | Wembury | Retrospective application for erection of dwelling, associated landscaping and parking provision – Philpott House, Andurn Estate, Down Thomas, Plymouth PL9 0AT | ALLOWED | <p>The Inspector considered that the main issues related to the impact of the amendments on the design of the dwelling and its setting and on the privacy of adjoining properties. On impact on design and setting, whilst acknowledging that the dwelling is a strikingly modern flat-roofed structure built higher in relation to neighbouring properties than shown on the approved plans, he concluded that the roof did not appear higher than the ridges of the adjoining dwellings and that the relatively small error, regrettably, did not result in the building being intrusive or harmful to its setting.</p> <p>In respect of privacy, where an open parking area and a high level recessed window respectively raised concerns about disturbance and loss of privacy, he concluded that additional screening could sufficiently overcome the objection. Accordingly, the inspector allowed the appeal subject to a condition requiring a scheme of landscaping to be submitted within one month of the appeal decision. Since then the landscaping details have been submitted and approved.</p> |
| 46/0679/08/F | South Huish | Conversion of stable block to holiday accommodation – The Bryres, Galmpton, Kingsbridge TQ7 3RY | ALLOWED | <p>The Inspector considered that there were two main issues relating to the effect of the proposal to holiday use on the existing adjacent uses, with particular reference to social need and economic benefit, and whether it would constitute an intensification of use harmful to the countryside and the AONB. In respect of the effect on existing uses he noted that most of the former holiday units had been granted permission for use as permanent dwellings and that there was little, if any, social or economic benefit from the building as it stood, particularly when it had not been used for stabling purposes due to the appellant's wife having contracted a serious illness. He concluded that there was little need for a riding facility. On the matter of potential harm to the countryside and AONB, he noted that there would be little alteration to the building (eg the slate roof would be retained) and that it has other holiday and residential</p> |

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| | | | | development on each side. In this context, whilst recognising that the proposal would result in some intensification of use, he concluded that this would not be so significant as to be detrimental to the countryside and that it would not conflict with planning policy. Accordingly, he allowed the appeal. |
| 59/0065/08/F | West Alvington | Extensions and alterations to dwelling – Sandy Park, Kingsbridge, TQ7 3AZ | DISMISSED | The Inspector considered that the main issue was the impact that the proposal would have upon the character and appearance of the surrounding area. She noted that the site lies within the AONB and that the development would be clearly visible from the eastern (opposite) bank of the Kingsbridge estuary and concluded that the fully glazed gable feature, the angled roof and the somewhat disparate features and wide variety of materials, including slate, render, glazing, square-edged timber cladding, flat roof planting and coloured membrane used in various finishes – all of which would be apparent – would result in an ungainly form of development in conflict with the aims of established and saved planning policies. |
| 11/2670/07/F | Churchstow | Conversion of barn to dwelling – Old Stone Barn, Gratton Farm, Loddiswell, Kingsbridge | DISMISSED | The appeal against refusal of planning permission on the grounds of isolated location of the barn, harm to AONB character, non-sustainability and unacceptable manner of conversion, was dismissed. The Inspector considered the manner of conversion, in combination with the prominence of the barn, would result in harm to the AONB, contrary to the objectives of Local Plan Policies SHDC3 and SHDC4, LDF Core Strategy Policies CS7 and CS9 and the advice contained in the SPG Barn Guide. She also considered the proposed development to be non-sustainable development due to the reliance on the private vehicle, contrary to guidance in PPS7. She concluded that whilst the barn has some historic interest, the residential manner of conversion would undermine both the traditional, functional appearance of the barn and its historic relationship with its agricultural setting and, that the alternative – that the barn would fall further into disrepair – would not cause any significant harm to the landscape. |

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| 41/0770/08/F | Salcombe | Extension to dwelling, construction of balcony and stairs, internal alterations, new façade treatment and addition of window – 2 Garden Close, Devon Road, Salcombe, TQ8 8HF | DISMISSED | The Inspector stated that some of the work had already been done. A small extension had already been erected at the rear of the property. This extension has a flat roof which could be used as a sitting out area. However, he considered that this extension was not an issue, because it was constructed and in use before the end of September 2008, as a matter of permitted development under the Town and Country Planning (General Permitted Development) Order 1995. The Inspector concluded that the proposed extension and balcony at the rear, the subject of this appeal, was significantly larger. It would become full width, extending up to the plot boundary with adjoining houses either side. Although the drawing showed the cheeks of the balcony enclosed with etched glass, he considered that its structure would restrict the outlook, and its use would disturb the privacy of people living in the houses on either side. He concluded that this larger extension at the rear would be unneighbourly and would conflict with Policy SHDC 1 of the South Hams Local Plan, and dismissed the appeal. |
| 15/0212/08/F | DARTMOUTH | Retrospective application for amendments to planning application 15/1180/06/F for alterations and extensions to roof and erection of garage – Northwood, 18 Mount Boone, Dartmouth TQ6 9PB | DISMISSED | The Inspector considered that the alterations that had been carried out resulted in a dwelling that is poorer in design than either the original bungalow or the house design approved in 2006. The harmful impact of the alterations is visible in public views, and has a detrimental effect upon the character and appearance of the surrounding area. |
| 22/1392/08/CU | HALWELL & MORELEIGH | Change of use from holiday dwelling/annexe to permanent dwelling with construction of new access drive – Grooms Lodge, Stanborough Hundred, Halwell, Totnes, TQ9 7JG | DISMISSED | The Inspector considered that the proposed three-bedroom house, occupied as a permanent dwelling, would generate considerably more vehicle movements than the currently permitted use as a one-bedroom unit of holiday accommodation. The proposal would not meet either national or local objectives concerning the sustainability of new developments. |
| 56/0128/08/F | TOTNES | Creation of four flats and improved access to land at rear 35 Fore Street, Totnes | DISMISSED | The Inspector considered that the proposed relocated access would be inconvenient, unsafe and worse than the existing access and the erection of four additional small dwellings would generate additional vehicular traffic thereby contributing to further congestion. The proposal would contribute to hazards for |

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| | | | | pedestrians and drivers and was unacceptable on highway safety grounds. The Inspector also was of the opinion that the lack of residential amenity for occupiers of the units was unacceptable by virtue of no privacy, little security and suffering fumes, noise and disturbance from traffic and pedestrians passing close by. He concluded that the proposed development would be so congested and objectionable that it would neither preserve nor enhance the character and appearance of the Conservation Area. |
| 33/0662/08/F | MALBOROUGH | Demolition of existing bungalow and replacement on same footprint – Plympton Cottage, Malborough, Kingsbridge TQ7 3DL | ALLOWED | The Inspector considered the agricultural bungalow continued to serve an existing functional need on the 14 hectare holding. The proposed redesign improved the appearance and proportions of the building without unduly increasing its scale or massing. The Council's concerns on the future use of the roof space were not founded and considered that the issue could be resolved by a restriction on the permitted development. |
| 20/1775/07/F | EAST PORTLE-MOUTH | Erection of private garage/store – The Old Dairy, Holset Court, East Portlemouth, Salcombe TQ8 8PL | DISMISSED | The Inspector concluded that the proposed development would have a harmful impact on the character and appearance of the converted traditional buildings and would undermine the integrity of the farmstead that has been preserved by its residential conversion. |